

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No. 1256 of 2005

Mr K P Rajan Nair ..Petitioner

VS

The Asst General Manager Telco .. Respondent

Mr Nitin Kulkarni for petitioner

CORAM: A.P.SHAH J.

Dated 10.6.2005

P.C:

. Heard the learned counsel appearing for the Petitioner. Perused the judgments of the Labour court and the Industrial court. Petitioner was working as Miller in Machine Tool Division at Chinchwad Works of Respondent No.2. He challenged the order of his termination invoking unfair labour practice under item 1(a), (b), (c), (d), (f) and (g) of Schedule IV of the MRTU and PULP Act, 1971. Labour court held that the inquiry was fair and proper and the misconduct was proved on the basis of the evidence on record. The Labour court also held that the punishment imposed by the employer cannot be too excessive or shockingly disproportionate. In the revision application the Industrial court confirmed the finding recorded by the Labour court.

. The charge against the Petitioner was indeed grave one. It was alleged that the Petitioner threatened the security guards of the company with dire consequences and prevented them from discharging their duties. It was alleged that the Petitioner threatened to kill them when they had visited police station to collect information about arrest of the Petitioner by the police. The charge was held to be proved and on the basis of the report of the Enquiry Officer Petitioner was discharged from service.

. The only argument of Mr. Kulkarni is that in the facts and circumstances of the case the punishment of discharge is shockingly disproportionate and amounts to unfair labour practice. It is not possible to accept the submission of the learned counsel. The behaviour of the Petitioner was indeed serious one and no reasonable man would tolerate such an abusive language and threats. I do not see any ground to interfere with the punishment awarded to the Petitioner. In the result petition is dismissed.